

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on July 25, 2007. The application has been carefully reviewed in light of the Office action and interview, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 23 was not amended as discussed in the previously filed amendment. This amendment corrects this problem by further amending claim 23 and provided the proper arguments to distinguish claim 23 from the prior art. The remaining amendments and arguments of the previously filed amendment still apply and should be considered by the Examiner along with the summary of the interview provided herein.

Claim 23, as amended, recites a method for fitting a hearing device including the steps of:

applying a hearing device to an individual;
subjecting the individual to a plurality of audio test
signals;
having the individual appraise each of said audio test
signals for storing as appraisals; and
automatically selecting, in dependency of test signals
experienced and the stored appraisals, a subsequent
audio test signal.

Claims 23 is patentable over the references, because the combination fails to teach these steps (i.e., none of the references teach using an assessment based on listening to test signals where appraisals by the individual are stored and used to automatically select a subsequent audio test signal). At most, the prior art may teach selecting a subsequent test signal based on the immediately preceding test signal, but there is no teaching of basing on a plurality of preceding stored assessments. Accordingly, claim 23 is patentable over the reference.

Furthermore, as was discussed at the personal interview, the claim amendments of the previously filed amendments overcome the rejections for the reasons discussed in the filed response.

In addition, at the personal interview, the Examiner requested that applicant point out

where in the specification the previously filed claim amendments are supported. Applicant's representative points out that at the top of page 14 of the specification, it is discussed that "[i]n the storage unit 50...the audio test signals T3 experienced during the in situ tuning procedure and, therefore coupled together, the individual assessments experienced will be stored according to the entry signals to E3...and will be continually expanded during the procedure", thus supporting the claim language that the storage device stores "a plurality of assessment data and previously experienced audio track data". This section goes on to state that "a number of possible *test signal* and *assessment records* can be stored in the standard storage unit 52 as a database, together with the respective identification of a *following test signal* T0, which has been found in the respective records as optimal for a further tuning step", lending further support to the cited claim language, along with the later language reciting that a subsequent control signal is computed in "dependency upon" the stored data. Finally, the section goes on to state that the "the audio test signal T0 assigned and optimally as the one to be played next will be selected by the record found from the standard storage unit 52 and...the assigned medium sector will be controlled on the control input E9 of the play-back unit 9", further lending support to the claim language.

Additional support is found at the top of page 15, where it states that "the automatic setting off directly of audio test signals T to be played after assessment input and/or in refined form with consideration of already experienced individual tuning steps." Page 13 also supports the use of a plurality of stored assessments to initiate a test signal in lines 2-4 stating that "the test signals T on the basis of logical operations...can be allocated to B assessments" and at lines 7-8 when it states that each test signal T can be initiated "optimally for the existing assessment *combination* on the output side" (emphasis added). Additional support is also found on pages 2-4 and 9.

Accordingly, the amended claim language is supported by the specification.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Application Serial No. 09/385,651
Amendment dated July 31, 2007

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 31949.

Respectfully submitted,
PEARNE & GORDON LLP

Date: July 31, 2007

By: / Robert F. Bodi /
Robert F. Bodi, Reg. No. 48540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700